

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

JOSEPH OKOH,

Petitioner,

v.

Case No. 2:12cv626

HAROLD W. CLARKE, Director,
Virginia Department of Corrections,

Respondent.

FINAL ORDER

Before the Court is an Amended Petition for a Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 and the Respondent's Motion to Dismiss. In his Petition, the pro se Petitioner alleges violations of his constitutional rights in relation to the Petitioner's conviction after a two-day jury trial for one count of using a computer to solicit a minor for sexual purposes on November 13, 2008, in the Louisa Circuit Court, as a result of which he was sentenced to serve fourteen (14) years of active incarceration in the Virginia state penitentiary.

The matter was referred for disposition to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), Federal Rule of Civil Procedure 72(b), Local Civil Rule 72, and the April 2, 2002, Standing Order on Assignment of Certain

Matters to United States Magistrate Judges. In a Report and Recommendation filed on November 12, 2013, the Magistrate Judge recommended the Motion to Dismiss be granted and the Amended Petition be denied and dismissed with prejudice. The parties were advised of their right to file written objections to the Report and Recommendation. On December 2, 2013, the Court received the Petitioner's objections. The Respondent has not responded to these objections, however, and the time to do so has expired.

Having reviewed the record and the Petitioner's objections, and having made de novo findings with respect to the portions objected to, the Court agrees with the Report and Recommendation on the grounds stated by the Magistrate Judge and **ADOPTS** and **APPROVES** the Report and Recommendation, ECF No. 14, in its entirety as the Court's own opinion. Accordingly, the Court **GRANTS** the Respondent's Motion to Dismiss, ECF No. 9. It is, therefore, **ORDERED** that the Amended Petition is **DENIED** and **DISMISSED WITH PREJUDICE**. It is further **ORDERED** that judgment be entered in favor of the Respondent.

The Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of the Court at the Walter E. Hoffman United States Courthouse, 600 Granby Street,

Norfolk, Virginia 23510, within thirty (30) days from the date judgment is entered. Because the Petitioner has failed to demonstrate a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b)(1), the Court declines to issue a certificate of appealability. See Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003).

The Clerk is **DIRECTED** to forward a copy of this Order to the Petitioner and counsel of record for the Respondent.

It is so ORDERED.



Mark S. Davis
United States District Judge

Mark S. Davis
United States District Judge

Norfolk, Virginia

Date: January 8, 2014